## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

3:16-cv-00483-GCM (3:01-cr-00189-GCM-4)

CHAD ERIC SIMPSON,	)	
Petitioner,	)	
v.	)	ORDER
UNITED STATES OF AMERICA,	)	
Respondent.	)	
	)	

**THIS MATTER** is before the Court on consideration of the Respondent's motion to stay disposition of this collateral proceeding. (Doc. No. 5).

Respondent moves for a 60-day extension from the date the Fourth Circuit decides United States v. Ali, No. 15-4433 and United States v. Simms, No. 15-4640, to file a response to Petitioner's § 2255 Motion to Vacate. In these cases, the Court is considering whether the Supreme Court's decision in Johnson v. United States, 135 S. Ct. 2551 (2015), invalidates the residual clause of 18 U.S.C. § 924(c)(3)(B) on the grounds that it is unconstitutionally vague.

Because issues involved in the <u>Ali</u> and <u>Simms</u> cases are likely relevant to resolution to Petitioner's case, and noting no objection from Petitioner, the Court will grant Respondent's motion.

IT IS, THEREFORE, ORDERED that Respondent's motion to stay is GRANTED, (Doc. No. 5), and Respondent shall have 60-days from the date the Circuit court renders its decision in <u>United States v. Ali</u> and <u>United States v. Simms</u> to file a response to Petitioner's § 2255 Motion to Vacate. Petitioner may file a reply consistent with the Local Rules for this

## District.

## SO ORDERED.

Signed: November 14, 2016

Graham C. Mullen

United States District Judge